



Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

RECEIVED

Spec

2-11-03

Technology Center 2000

NP

B

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

08/653,425 FEB 03 2003

Filing Date

Technology Center 2000

First Named Inventor

D. DARIAN MURESAN

Group Art Unit

2674

Examiner Name

REGINA LIANG

Total Number of Pages in This Submission

14

Attorney Docket Number

ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

D. DARIAN MURESAN

Signature

Date

Jan. 31, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Dear Mrs. Regina Liang;

Here is the revised patent application entitled "Computer Mouse." This letter contains information about the materials included in this submission as well as our responses to your last "Office Action Summary."

In regards to your detailed action 1, 2, and 3, you will now find two copies of the patent application. The first one is entitled: "Version with Marking to Show Changes for Patent COMPUTER MOUSE," and the second one is entitled "Computer Mouse."

The document "Version with Marking to Show Changes for Patent COMPUTER MOUSE," contains the exact text of the application submitted on the 6th of November, 2002, but sectioned so that the required title, abstract, background of the invention, brief summary of the invention, description of the drawings, claims, and drawings are arranged as in the "Arrangement of the Specification" you mentioned in your guidelines.

In addition, we felt that our original description of the invention was overly simplistic. You will find a revised version of the document "Version with Marking to Show Changes for Patent COMPUTER MOUSE" in the document "Computer Mouse." More specifically, here are the differences:

1. The ABSTRACT is a one-page document that contains more detailed information rather than a simple sentence.
2. BACKGROUND OF THE INVENTION is also more detailed, although no new information has been introduced. In addition, we briefly mentioned the two patents you have used to oppose our patent (US-5,371,516 and US-5,583,541) and how they are different from this patent.
3. BRIEF SUMMARY OF THE INVENTION also contains more detail. Again, no new information has been introduced.
4. BRIEF DESCRIPTION OF THE DRAWINGS is almost identical. We slightly changed the wording of the description for the second figure.
5. DETAILED DESCRIPTION OF THE INVENTION contains the same information, but there are more details. Again, no new information has been introduced.
6. CLAIMS have been slightly changed. The words "to press" on the first line have been changed to "to pull." We felt that PULL is more descriptive than PRESS, although by pulling the ball, the ball is pressed against the X and Y shafts. Again, a slight change of wording, but no new matter has been introduced. Our second change is the replacement of "no third contact between the ball" with "no third, or any other contact between the ball." Again, we felt that this adds more clarity to the claim. However, the meaning is still the same, since there cannot be any other contact without having a third contact first.
7. We also made a slight change to the FIGURES. In particular, instead of labeling the forces in the two figures as F, we labeled them as F1 in Figure 1 and F2 in Figure 2. We did mention in the text that F1 is equal with F2.

In regards to your detailed action 4, 5, and 6, we disagree with your conclusion that Solhjell's invention describes the patent we are presenting to you. Our disagreement is based on the following reason:

In your detailed action you stated:

"A third contact (the free rolling 18 as shown in Fig. 5) is REPLACED with a magnet (66 in Fig. 11), therefore, there is not third contact between the ball and another wheel as claimed."

We disagree with your statement. What we agree with is that Solhjell's patent is concerned with the control of the ROLLING FORCE of the magnetic core ball and not with the REPLACEMENT of the third wheel as you stated. This conclusion can be easily reached as follows:

- a. At no point during Soljhell's description of his invention does he mention the REPLACEMENT or SUBSTITUTION of the third wheel. In fact, on the 4th page, second column, line 25, he mentions that "Typically, the ball is touching three or four rollers ..." and at no point during his description does he mention the existence of ONLY TWO rollers.
- b. Controlling the ROLLING FORCE does not mean that the third wheel is replaced! The rolling force and the third wheel are not mutually exclusive. In fact, the way Soljhell describes his patent, the third wheel is necessary at all times. Here is why:

In the beginning of his patent, page 4, column 2, line 62 he states:

"It is an object of this invention to make it easier to adapt the mouse to the particular need of an operator by making it possible to adjust the rolling force of the ball (both for type 1 and type 2 mice)."

Where the type 1 mouse is the same as our mouse and type 2 is a tracking ball mouse. After this statement there is no more differentiation between the type 1 and type 2 mice. In other words, the implication is that from that point onward his description of "CONTROLLING THE ROLLING FORCE" applies equally to both types of mice.

Next, we present a proof by contradiction. Assume for a moment that, as you stated in your detailed action 4, "a third contact (the free rolling 18 as shown in Fig. 5) is REPLACED with a magnet (66 in Fig. 11), therefore there is not third contact between the ball" and another part of the mouse. If this is the case, since Soljhell's description applies to both types of mice **EQUALLY**, you are implying that Soljhell described a procedure in which a type 2 mouse (a trackball) would have contact with only two wheels and there would be no third contact with any other part of the trackball. Clearly this is not possible! In a trackball device, the ball will always be in contact with AT LEAST three points of the mouse. By contradiction, this means that Soljhell could NOT have described a mouse in which A MAGNET REPLACES the THIRD WHEEL. In Fig. 11 Soljhell is concerned with creating a magnetic field on the ball, which will slow down its rotation (i.e. rolling force). That is all he was concerned with, and that is all that his patent describes.

Please review our documents carefully and if there are any questions feel free to contact me at 703.228.9025. If you disagree with my reasoning in this paper, may I ask you to contact me before giving this patent a final rejection? Thank you.

Sincerely yours,



D. Darian Muresan
Jan. 30th, 2003.